

REGULAR MEETING OF THE OKLAHOMA WORKERS' COMPENSATION COMMISSION

~ APPEALS ~

Friday, November 19, 2021
9:00 a.m.
Commission Chambers
1915 N. Stiles Ave.
Oklahoma City, Oklahoma
www.wcc.ok.gov

MINUTES

Members present: Chairman Jordan Russell, Commissioner Megan Tilly, and Commissioner Scott Biggs.

Staff present to support the Commission: Alexander Watkins.

STATEMENT OF OKLAHOMA OPEN MEETING LAW COMPLIANCE

Chairman Russell stated the administrative meeting was being held in compliance with the Open Meetings Act.

CALL TO ORDER**Presiding Appellate Officer, Chairman Russell**

Call to order 9:00 a.m. by Chairman Russell, Presiding Appellate Officer.

ROLL CALL**Presiding Appellate Officer, Chairman Russell**

After the roll call was taken, Chairman Russell announced the presence of a Quorum.

A. MINUTES:

- The drafted Minutes of the Special Appeals Meeting of October 22, 2021, were considered for approval.

Motion: Commissioner Biggs made a motion to approve the Regular Appeals Meeting of October 22, 2021, minutes.

Second: Commissioner Tilly

Those Voting Aye: Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

THE MOTION CARRIED: MINUTES APPROVED

B. Appeal Hearings before the Commission En Banc from Orders Issued by the Commission's Administrative Law Judges

1. Raynard Smith v. Cedar Creek Holdings Inc. and Bitco Insurance Company (FKA Bituminous Casualty Co., File #CM3-2018-06212F)

Respondent filed an appeal from the order issued by Administrative Law Judge McMillin. Laura Beth Murphy appeared for the Claimant and Travis A. Fulkerson appeared for the Respondent.

Motion: After reviewing the record, hearing oral arguments, and deliberating, Commissioner Biggs moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Tilly

Those Voting Aye: Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

2. Jackie Mensch v. Multiple Injury Trust Fund, File #CM3F-2017-03196Y

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Micah Felton appeared for the Claimant and Jennifer Finley appeared for the Respondent.

Motion: After reviewing the record, hearing oral arguments, and deliberating, Chairman Russell moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Biggs

Those Voting Aye: Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

3. Carol Hyatt v. Oklahoma Department of Mental Health & State of Oklahoma, File #CM3-2019-01812A

Respondent filed an appeal from the order issued by Administrative Law Judge Blodgett. Daniel M. Davis appeared for the Claimant and Heather A. Lehman Fagan appeared for the Respondent.

Motion: After reviewing the record, hearing oral arguments, and deliberating, Commissioner Biggs moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Chairman Russell

Those Voting Aye: Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

4. Kelly Ronistal v. Walmart Stores Inc. and Walmart Associates Inc. (OWN RISK), File #CM3-2019-06260K

Claimant filed an appeal from the order issued by Administrative Law Judge Blodgett. James G. Devinney appeared for the Claimant and David B. Custar appeared for the Respondent.

Motion: After reviewing the record, hearing oral arguments, and deliberating, Chairman Russell moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Biggs

Those Voting Aye: Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

5. Earl Appleberry v. Western Flyer Express LLC and United States Fire Insurance Co., File #CM3-2019-07029Q

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Timothy Kent appeared for the Claimant and Travis A. Fulkerson appeared for the Respondent.

Motion: After reviewing the record, hearing oral arguments, and deliberating, Commissioner Tilly moved to take this case under advisement.

Second: Commissioner Biggs

Those Voting Aye: Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

THE MOTION CARRIED: TAKEN UNDER ADVISEMENT

6. Dike Okpokiri v. Sodexo Inc. and XL Insurance America Inc., File #CM3-2016-07691Q

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Claimant represented himself pro se and Lindsey Grisamer appeared for the Respondent.

Motion: After reviewing the record, hearing oral arguments, and deliberating, Chairman Russell moved to take this case under advisement.

Second: Commissioner Biggs

Those Voting Aye: Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

THE MOTION CARRIED: TAKEN UNDER ADVISEMENT

7. Stevon Edward Chiles v. Employbridge Holding Co., XL Insurance America Inc., and Resource Manufacturing, File #CM3-2018-07050H

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. Claimant is represented himself pro se and Victor F. Albert appeared for the Respondent.

Motion: After reviewing the record, hearing oral arguments, and deliberating, Chairman Russell moved to take this case under advisement.

Second: Commissioner Biggs

Those Voting Aye: Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

8. Oscar Rodriguez v. Marshall Woodworks LLC and CompSource Mutual Ins. Co. (FKA COMPSOURCE OKLAHOMA), File #CM3-2020-03521H

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Pamla Cornett appeared for the Claimant and David J. Frette appeared for the Respondent.

Motion: After reviewing the record, hearing oral arguments, and deliberating, Commissioner Biggs moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Russell

Those Voting Aye: Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

C. Commission Consideration of Adoption of Final Orders in the Following Cases:

1. J. Asuncion Abonza v. Exterran Holdings Inc. and American Zurich Insurance Co., File #CM2015-08100F/CM2016-03867H

Claimant filed an appeal from the order issued by Administrative Law Judge McMillin. Bret A. Unterschuetz appeared for the Claimant. Michael Fagan and Taylor K. Weder appeared for the Respondent.

Motion: Commissioner Tilly moved continue all remaining orders to the next appeals meeting.

Second: Chairman Russell

Those Voting Aye: Chairman Russell and Commissioner Tilly.

THE MOTION CARRIED: ORDER CONTINUED

2. Luis Solorzano v. Action Group Staffing and CompSource Mutual Ins. Co. (FKA COMPSOURCE OKLAHOMA), File #CM3-2015-07759L

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Bret A. Unterschuetz appeared for the Claimant and Cyrus Nathaniel Lawyer appeared for the Respondent.

Motion: Commissioner Tilly moved continue all remaining orders to the next appeals meeting.

Second: Chairman Russell

Those Voting Aye: Chairman Russell and Commissioner Tilly.

THE MOTION CARRIED: ORDER CONTINUED

ADJOURNMENT

Motion: Commissioner Tilly moved to adjourn the meeting at approximately 2:30 p.m.

Second: Commissioner Biggs.

Those Voting Aye: Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

THE MOTION CARRIED: THE MEETING WAS ADJOURNED.